

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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THE PENN MUTUAL LIFE INSURANCE  
COMPANY,

Plaintiff,

v.

KATHY KEHOE, as Trustee of the SICKNESS,  
ACCIDENT & DISABILITY INDEMNITY  
TRUST 2005; KATHY KEHOE, as Trustee of  
the GRIST MILL TRUST DATED 10-1-03;  
and UNIVERSITAS EDUCATION LLC,

Defendants.  
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Case No. 1:15-cv-01111-AJN

-----X  
LIFE INSUREANCE COMPANY OF THE  
SOUTHWEST,

Plaintiff,

-against-

KATHY KEHOE, as Trustee of the GRIST  
MILL TRUST DATED OCTOBER 1, 2003  
And UNIVERSITAS EDUCATION LLC,

Defendants.  
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Case No. 1:15-cv-04594-AJN

UNOPPOSED STIPULATION  
AND ORDER FOR FINAL  
DISTRIBUTION OF  
INTERPLEADER FUNDS

WHEREAS, effective June 16, 2016, Universitas Education, LLC ("Universitas"), The Grist Mill Trust Dated October 1, 2003 (also known as The Grist Mill Trust Welfare Benefit Plan) (the "Grist Mill Plan"), and Benistar Admin Services, Inc. ("BASI") entered into a Stipulation and Order of Settlement (the "Stipulation") in which quarterly payments in the amount of \$218,105.00 were required to be made by the Grist Mill Plan to Universitas commencing on October 12, 2016 and continuing thereafter on January 11, 2017, April 12, 2017, July 12, 2017, October 11, 2017, January 10, 2018, April 11, 2018 and July 11, 2018, which payments were guaranteed by BASI; and

WHEREAS, the Stipulation also provided that, ten days after each quarterly payment was made to Universitas, an amount equal to the quarterly payment, i.e. \$218,105.00, would be distributed from the interpleader funds on deposit with the Court in the instant action, such distribution to be made to the Grist Mill Plan or its designee, R. Aaron Seehawer; and

WHEREAS, the Stipulation also provided that upon payment of the full settlement amount to Universitas, all funds remaining on deposit with the Court shall be distributed to the Grist Mill Plan or its designee, R. Aaron Seehawer; and

WHEREAS, Universitas and the Grist Mill Plan hereby stipulate that the quarterly payment due to Universitas on July 11, 2018 was made and was received by Universitas and this constitutes the final payment due under the settlement agreement;

NOW THEREFORE, Universitas and the Grist Mill Plan jointly request that the Court issue an order directing the Clerk of the Court to distribute the remainder of the interpleader funds on deposit with the Court<sup>1</sup> and the Grist Mill Plan requests that such distribution be made by check payable to "R. Aaron Seehawer, Trustee of the B.A. Fisher Sales Trusted Cross Purchase Agreement and Trustee of the TBM, Inc. Trusted Cross Purchase Agreement," and that the check be mailed directly to counsel for Mr. Seehawer – Bradley J. Dixon, Esq., Givens Pursley LLP, 601 W Bannock St, Boise, ID 83702.

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<sup>1</sup> The Clerk's Office has informed counsel for defendant Kehoe that the remaining fund balance for the two consolidated cases as of July 12, 2018 is approximately \$256,000.



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By: 

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the Grist Mill Trust*

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SO ORDERED:

The Clerk of the Court is directed to distribute the entire remaining balance from the interpleader funds on deposit in the instant action in accordance with the annexed Stipulation.

Dated: July \_\_\_\_, 2018

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HONORABLE ALISON J. NATHAN  
UNITED STATES DISTRICT JUDGE